

## Official Proceedings Special Commission Meeting

March 25, 2020

1:00 pm

Chairman Kuntz called the special meeting of the Stark County Board of Commissioners to order. All members present with the addition of Auditor, State's Attorney, and Emergency Services. Dickinson Press was invited, but were not in attendance.

### **Emergency Declaration – Bill Fahlsing**

Mr. Fahlsing presented a Health Emergency Declaration for Stark County. This is a federal, worldwide, global pandemic. At this point, because it is a State and Federally declared disaster, there is no reason to declare a local emergency other than if we need to tap into local funding, call on the National Guard, or request resources from the State. Stark County is one of the few that have not declared disaster due to the threat of the COVID-19 virus. Mr. Fahlsing has requested that the Commission make this declaration in order to tap into emergency funds and request State funding as needed. Mr. Fahlsing presented a copy of the declaration for signature. State's Attorney Tom Henning added that the Chairman has previously declared a health emergency and this is updating that declaration. Commissioner Arthaud requested information about where the money would come from and who would be requesting. Mr. Fahlsing stated that Stark County Emergency Fund is currently sitting at just over \$500K, but funds can only be used in a declared emergency.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Elkin

To authorize the Chairman to sign the declaration as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

### **Vote Center – Auditor Kay Haag**

The Primary Election in June will be vote by mail and currently one vote center needs to be open. There are changes trying to be made with this requirement, however, Auditor Haag is requesting to declare the Biesiot Activities Center the open vote center for Stark County. Commissioner Zander requested that the record show that Auditor Haag is also the Election Officer for Stark County.

**MOTION BY:** Commissioner Elkin      **SECOND BY:** Commissioner Arthaud

To declare the Biesiot Activities Center as the vote center for Stark County if needed during the Primary Election.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

### **Vote by Mail – Auditor Kay Haag**

Discussion via conference call was to have all ND counties vote by mail. Secretary of State's Office will mail out all applications. Applications need to be returned to the Auditor's Office and the Auditor's Office will in return mail out a ballot. Commissioner Arthaud requested information on if extra help would be needed with this process. Auditor Haag has a group of ladies that may be requested to come in to complete the task if they are willing just to open the envelopes. Arrangements would need to be made to keep them the proper distance from each other.

**MOTION BY:** Commissioner Arthaud      **SECOND BY:** Commissioner Zander  
To authorize the Auditor to vote by mail.  
**DISPOSITION:** Roll call vote. All voted aye. Motion carried.

**Paid Leave – Tom Henning**

Mr. Henning stated in previous COVID-19 paid leave discussions, they believed that they would be eligible for federal funding and could fund leave indefinitely, however, after reviewing the law under *H.R. 6201 (FAMILIES FIRST CORONAVIRUS RESPONSE ACT)*, employees may use those 80 hours prior to using any county sick leave or employee vacation. Since it does not appear that there is other specific authorization for endless leave for those that can't work from home because of serious health risks with an age factor, Mr. Henning commented that Department Head/Elected Officials would need to be able to have some discretion to make those calls for those staff to stay home. Commission Zander requested that we split this discussion into separate motions for the sake of clarity as more than one item is being discussed relating to paid leave.

*Meetings Related to COVID Paid Leave:* Commissioner Arthaud stated that this miscommunication could have been prevented if not for previous Department Head/Elected Officials meetings that did not allow all Commissioners to attend and provide input. She stated that all Commissioners should have been involved from the beginning. Mr. Henning offered to discuss the particulars of that issue at a later time as meeting laws were changed recently. Commissioner Zander stated that a special meeting can be called with an hour notice by the Chairman. He feels that all Commissioners should have been involved.

*Sending Staff Home:* Commissioner Zander then asked if Road Superintendent, Al Heiser, has the authority to send home staff that meet age and health guidelines. Both Mr. Henning and Chairman Kuntz answered yes.

*Effective Date of Leave:* Mr. Henning went on to discuss the date of signature of H.R. 6201 and it is effective the date President Trump signed it March 18, 2020. The County does not know how long it will take to receive reimbursement of those funds. Commissioner Elkin stated that reimbursement may or may not happen. H.R. 6201 also includes those that are staying home to care for children. He suggested staff splitting time in the office. Employees have until the end of year to use. Commissioner Zander voiced concern over staff that may take advantage of this act. Mr. Henning stated that previous discussion included having the Commissioner Portfolio holder and one other Commissioner meet with staff they believe may not be eligible for these hours.

*Travel as Related to Paid Leave:* Commissioner Arthaud asked about staff that choose to travel. Mr. Henning stated that staff that choose to travel outside of the area are on their own and have to use their earned sick and vacation. If traveling to Bismarck for elective doctor appointments would be self-quarantine with personal hours used or work from home during 14 day period. Auditor Haag cautioned that we cannot ask employees why they are going to the doctor. Mr. Henning felt that medical offices will inform patients whether or not to attend elective appointments. Mr. Fahlsing requested clarification on whether we are

limiting travel outside of Stark County or outside of North Dakota. Commissioner Elkin commented that we may not need to declare borders as the Governor may at some point declare that we don't have to concern ourselves with travel with examples of deployed individuals. Individuals need to stay home if they are self-isolated. It was agreed that any employee choosing to travel outside of ND will need to self-isolate for 14 days using their own leave time. It was further agreed that only urgent care appointment would be with paid leave, but elective care appointments would not. Ms. Haag stated that staff can remote in from home and supervisors can see what staff is on and what they are working on to monitor hours. Mr. Fahlsing brought concerns of employee business outside of the county for mental health and other transports.

*Compromised Classified Staff as Related to Paid Leave:* Linda Krebs requested clarification for compromised staff that were sent home for 14 days, but this outbreak lasts longer. Mr. Henning stated that they would need to use their own leave and we would need to deal with the fallout from that at a later date with recognition of the revolution of this crisis.

*Paid Leave Effective Date:* Commissioner Arthaud asked about staff that have already used a portion of their 80 hours. Mr. Henning stated that the 80 hours started with the Chairman's declaration on March 16.

*Assisting of Auditor's Office as Related to COVID Crisis:* Commissioner Zander commented that the HR person could become overwhelmed with all of this and requested information on the support that Ms. Krebs is receiving currently from other staff. He further has concerns over the confidentiality of HR records should someone be assisting Ms. Krebs. Employees should expect that their records are kept confidential. Commissioner Zander questioned access to HR records while Linda is working from home. Ms. Krebs reassured the group that files are locked and Auditor Haag is the only other one with a key. Mr. Henning recommended that an office manager is in place in the event that both the Auditor and Deputy Auditor are sick at the same time to be sure correct policies are followed. Auditor Haag stated that they've had the discussion and they are rotating staff in the office. She would have to appoint a staff member to oversee the office if both she and Linda are sick. Commissioner Zander recommended that the Auditor have the authority to hire outside help to assist in getting the office work complete without holding a special meeting. Commissioner Arthaud would like Commission involvement in the determination of adding staff. Commissioners agreed that they would be able to meet quickly to move forward should the need arise. Commissioner Arthaud also stated that many staff working from home could assist in various non-HR related duties to help Linda. Emergency Services can call on the State should others in his office not be able to complete tasks in Mr. Fahlsing's absence. Chairman Kuntz stated that they could vote via email should something arise, noting that the LEC does that to pay. Mr. Henning cautioned that open meetings laws still apply and email voting is not an open meeting.

*Distancing Staff/Meetings:* Department heads are expected to separate staff as needed. Ms. Krebs made mention that the Clerk of Courts have already mandated only 2 staff at any given time. Commissioner Arthaud brought up Planning & Zoning meetings and if they

could proceed with adding authority for Steve Josephson to approve buildings during the time of shutdown. Mr. Henning said no because it is not within legal procedures to do so. Commissioner Zander recommended to have the meeting via teleconference to which Mr. Henning objected due to it being a public hearing and further suggested that someone bring a viable alternative to him for consideration. Commissioner Zander requested all meeting documents be electronic.

*Expanded Family Medical Leave Act:* An employee who is taking leave to care for a child as result of school closure or child care provider closing is eligible for twelve weeks of leave, of which they can use the 80 hours available under the Emergency Paid Sick Leave Act. Mr. Henning stated that the Department of Labor is stating the 80 hours used for this purpose would be paid at two-thirds the employees regular rate of pay. Upon his review of the Act he does not see where it states that. It was the consensus of the Board to pay employees at their regular rate of pay if using their 80 hours through the Emergency Paid Sick Leave Act for school closure or child care provider unavailability.

**MOTION BY:** Commissioner Elkin  
To adjourn the meeting.

**SECOND BY:** Commissioner Arthaud

**DISPOSITION:** Motion carried